

**72-8-101. Title.**

This chapter is known as the "Pedestrian Safety and Facilities Act."

Renumbered and Amended by Chapter 270, 1998 General Session

**72-8-102. Definitions.**

As used in this chapter:

- (1) "Construction" means the function of constructing or reconstructing a sidewalk with or without curb and gutter and includes land acquisition and engineering or inspection as defined by the rules and regulations of the department.
- (2) "Curb and gutter" means the area between the roadway and sidewalk designed for water runoff and providing a barrier for safety of pedestrian and vehicular traffic.
- (3) "Participating municipality" means a city of the third, fourth, or fifth class or a town.
- (4) "Pedestrian safety devices" means any device or method designed to foster the safety of pedestrian traffic including sidewalks, curbs, gutters, and pedestrian overpasses.

Amended by Chapter 292, 2003 General Session

**72-8-103. Designated county and municipal sidewalks -- Construction on easements granted by transportation department.**

- (1) All sidewalks, including curbs and gutters within the unincorporated areas of a county and within nonparticipating municipalities situated within the county, are designated county sidewalks. All sidewalks within participating municipalities are designated municipal sidewalks.
- (2) Counties and participating municipalities may construct and maintain curbs, gutters, sidewalks, and pedestrian safety devices adjacent to the traveled portion of state highways upon easements that may be granted by the department. The department shall cooperate with counties and participating municipalities to accomplish pedestrian safety construction and maintenance.
- (3) A county or municipality may construct and maintain pedestrian safety devices on state highways in compliance with rules made by the department.

Renumbered and Amended by Chapter 270, 1998 General Session

**72-8-104. Funding priorities by county and municipality officials -- Factors.**

- (1) A county or municipality may use a portion of their B and C road funds for pedestrian safety devices under this part.
- (2) The county legislative body of the counties and the governing officials of participating municipalities may establish funding priorities relating to construction of curbs, gutters, sidewalks, or other pedestrian safety construction, with funds permitted to be expended by this part, based on factors including, but not limited to:
  - (a) existing useable rights-of-way;
  - (b) vehicle-pedestrian accident experience;

- (c) average daily vehicle traffic;
- (d) average daily pedestrian traffic;
- (e) average daily school age pedestrian traffic; and
- (f) speed of vehicle traffic.

(3) All construction performed under this part shall be barrier free to wheelchairs at crosswalks and intersections.

Renumbered and Amended by Chapter 270, 1998 General Session

**72-8-105. Pedestrian safety to be considered in highway planning.**

A highway authority shall consider pedestrian safety in all highway engineering and planning where pedestrian traffic may be a significant factor on all projects within the state or any of its political subdivisions.

Renumbered and Amended by Chapter 270, 1998 General Session

**72-8-106. Rules and regulations -- Cooperation with the county legislative body.**

The department shall:

(1) make rules providing for uniform accounting of the funds permitted to be expended for curbs, gutters, sidewalks, and pedestrian safety devices, as provided in this part; and

(2) cooperate with the county executives and county legislative bodies and the governing officials of participating municipalities in order to implement this part and make rules required by this part.

Renumbered and Amended by Chapter 270, 1998 General Session

**72-8-107. County or city granting exemption from construction -- Not eligible to utilize funds under part.**

(1) This part may not be construed to substitute or replace the construction of curbs, gutters, sidewalks, or pedestrian safety devices by any counties or participating municipalities. Funds expended under this part are in addition to funds normally used by counties and participating municipalities for pedestrian safety devices and may not be used in substitution for local funding.

(2) If any county or participating municipalities or any of their agencies grant an exemption or deferral agreement for the construction of sidewalks, curbs, gutters, or pedestrian safety devices which are otherwise normally required, the area for which the exemption or deferral agreement applies is not be eligible to utilize funds permitted to be expended by this part.

Renumbered and Amended by Chapter 270, 1998 General Session